

# **Addendum #1 to the 2011 Supplement to the 2005 New Market Master Plan as amended**

## **Supplement to the Master Plan: Comments on New Market MGE & WRE Drafts – State, County, Public -- 10/4/10**

The Comment Supplement is attached. It should be noted that State agency comments came in two “flavors.”

The first said “The Maryland Department of Planning (*for example*) has reviewed the Town’s Municipal Growth Element in the context of the requirements of HB 1141 and offers the following comments for your consideration. These comments are offered to guide the Town in ways to improve the draft MGE and better address the statutory requirements of HB 1141 (2006).”

The second said “The MGE (*for example*) is incomplete. The MGE will meet the requirements of HB 1141 with recommended comments added. The most important comments to include are in **bold**. The MGE does not yet effectively address the following purposes of the law and/or State guidance, as follows...”

New Market’s MGE received the first guidance where comments were offered for our consideration. It did not receive an “incomplete” where mandatory changes were required.

This addendum addresses MDP and MDOT comments related to this Supplement.

### MDP Comment:

MDP commends the Town and Frederick County as they "prepare a joint master plan that will lead to a joint Planning Agreement cooperatively developed and recognized by both jurisdictions," as indicated in the Supplement to the New Market Municipal Growth Element. Through this joint planning process, we believe that the Town and the County will reach a consensus on where and how the areas surrounding the Town should grow to achieve both jurisdictions' smart growth visions and goals. It is in the community interest in which the New Market's historical and small town character will be enhanced through the implementation of compact, mixed-use and well-designed developments with adequate public infrastructure, community amenities, and connected street networks safely and effectively accommodating vehicles, pedestrians and bicycles for the existing Town and future growth areas.

### Town Reply:

**The Town appreciates the acknowledgment. The Town’s goal is not to arbitrarily double its size, but recognize that we exist within the context of a greater county planning region. The attached orthographic view of the town illustrates clearly encroaching county development; both commercial and residential. This is a threat to the Town’s long term economic viability. Essentially, the town is about to become a small town surrounded by a larger county town without the ability to derive any financial benefit or long term planning vision. It is the Town’s desire to participate and share cooperatively in our mutual planning goals and objectives with the County. Thus, we see the Town’s growth as just one piece of a greater puzzle.**

### MDP Comment:

### Municipal Growth Element

The Maryland Department of Planning appreciates the Town providing additional information regarding New Market's growth areas and the distinction between Planning Areas and Annexation Areas. As noted in our Departments comments from July 2010, it would be helpful to provide population projections for the

Town of New Market and Frederick County in one table. Including population projections for the New Market Region in the same table may confuse readers.

**Town Reply:**

**The Town appreciates the comment, but respectfully believes it provides important data with respect to our growth projections.**

**MDP Comment:**

MDP appreciates the Town providing additional information regarding New Market's anticipated financing mechanisms to support public services and infrastructure. As noted in the supplement, a joint Planning Agreement allows Frederick County and New Market to work together, allowing both jurisdictions to accomplish mutual goals.

**Town Reply:**

**There are those who assert that the MGE requires “full disclosure” of what infrastructure “will” cost. It should be recognized that a plan is a living document. Exact costs cannot reasonably be determined for future anticipated infrastructure. The Town has identified infrastructure needs and more importantly the Town has demonstrated it has not only a process for further analyzing these needs through impact studies, but also possesses a wide array of concurrency tools and staging mechanisms that ensures concurrency of infrastructure and development. The marginal costs of providing public services will be analyzed in fiscal impact studies and incorporated into the operating budgets of the municipality or the County.**

**The Town further provides the following information (from the 2011 Master Plan draft) for the purpose tying together the relationship of our population projections, residential build out, financing and staging mechanisms and growth impacts on public facilities and infrastructure with respect to MDP comments below regarding conflation and land capacity (needs).**

**The tables below provide the most up to date projection for the Oakdale and Linganore feeder patterns. They are based on the projects in the FCPS 2010 EFMP. All Planning and Annexation Areas west of Boyer’s Mill Rd. are in the Oakdale feeder pattern. Thus, Smith Cline pupils would attend Deercrossing Elementary School (DCES), Oakdale Middle School (OMS), and Oakdale High School (OHS). The tables below reflect the new data through 2019.**

**Table 10. Oakdale Feeder Pattern**

School	SRC	2009 Enrollment	2009 Enrollment	Projected 2019 Enrollment	Projected 2019 % SRC	Yield Factor	Smith-Cline Units	Smith-Cline Pupils	Additional Capacity Construction	2019 Enrollment Adjusted for Smith-Cline	2019 % SRC Adjusted for Smith-Cline
Deer-crossing ES	641	772	120%	755	118%	0.34	925	314.50	0	1,069.50	167%
Oakdale MS	600	600	100%	690	115%	0.15	925	138.75	300	828.75	92%
Oakdale HS	1,600	0	0%	1,204	75%	0.21	925	194.25	0	1,398.25	87%

**Table 11. Linganore Feeder Pattern**

School	SRC	2009 Enrollment	%SRC	Projected 2019 Enrollment	Projected 2019 % SRC	Yield Factor
New Market ES	702	557	79%	834	119%	0.26
Green Valley ES	504	456	90%	519	102%	0.24
New Market MS	881	765	87%	618	70%	0.14
Windsor Knolls MS	924	606	66%	764	83%	0.10
Linganore HS	1,600	1,766	110%	1,350	84%	0.11

**It should be noted that the Smith Cline pupil yield is based on single-family homes.**

**It is clear from the analysis that with or without the residential component of the Smith Cline property, middle and high schools will be under capacity while NMES and ODES will be over capacity. It should be noted that the Smith Cline property does not affect NMES or NMMS. Nonetheless, NMES is projected to at be 119% capacity by 2019.**

**This situation is attributable to two factors. First, there are 710 units in Lake Linganore and 161 units in Westwinds that are not subject to APFO. They were recorded before APFO was adopted. Secondly, the ratio of middle and elementary schools to high schools is generally (FCPS 2010 EFMP pg. 14) 1-2-3. Specifically, for each high school there should be two middle schools and six elementary schools. Linganore has two middle schools (NMES and WNMS (portion)). However, it only has four elementary schools (Liberty, NMES, Twin Ridge (TRES) and GVES). There will be a need for 246 (projected enrollment less state rated capacity) seats for elementary schools by 2019 for the schools that service the New Market Annexation Areas (NMES 132, DCES 114). The County has two elementary school sites identified in its Comprehensive Plan, Harvest Ridge and Greenview. These schools would have a capacity of approximately 570 seats. According to Beth Pasierb, Facilities Planner at FCPS, the cost for construction of an elementary school at Greenview would be \$23 million.**

**The planning challenge is to bring schools at or below 100% capacity subject to the financial and legislative constraints. The State of Maryland will not provide its share of school funding unless the school is near capacity when it is scheduled to open. If a new elementary school was constructed based on 2019 needs without development, it would open at only 43% capacity (246/570). This is not likely to attract state funding. Further, development should be phased with the County's CIP for school construction. CIP's for school construction are generally financed by general obligation bonds. The County maintains a 2 to 1 ratio of impact fees to bonds. According to John Kroll, County Finance Director, it is unlikely to be a school CIP project for the New Market area for seven years. However, at that time the County may be able to finance a new elementary school for the New Market area provided that the impact fees from New Market area development contributes to maintaining the debt ratio.**

**APFO constitutes the legislative constraint. As is evidenced by the 871 units that are not subject to APFO, it does not take into consideration these types of "legacy issues." Thus, we may wait a very**

long time for the County to pay for a new school without bond and impact fee financing when APFO prevents new development. Essentially, the County would need to save the money required for a new school over many years from its general fund or raise taxes, such as it did with recordation taxes. Given that the new school would only open at 43% capacity, the County would unlikely receive any state funding, thus the county tax payer would fund the entire amount.

Alternatively, using the County APFO to drive development into the Town provides an opportunity to collaborate on a school concurrency plan. In exchange for the water and sewer utilities to offer the development the Town would provide a reasonable construction phasing schedule that would meet the needs of the County's CIP in order that development and public facilities could achieve concurrency. This would allow development to move forward in a measured fashion to achieve a stated goal. By adopting a joint planning agreement that utilizes all our concurrency tools and staging mechanisms we can put the planning pieces of the puzzle together one at a time in order to solve problems in a more timely fashion.

For example, if we allowed development at Smith Cline property there would be a need for 560 elementary school seats by 2030 (Smith Cline 314, NMES 132, DCES 114). Assuming that a new elementary school would have 570 seat capacity we could achieve the goal of having all our schools at or under 100% capacity when the projects are completed. Thus, although it may seem to the casual observer to be counter intuitive, Smith Cline plays an important role in the school concurrency.

MDP Comment:

MDP appreciates the modifications made to the Growth Areas and Financing Mechanisms sections in this Supplemental document and encourage you to re-visit MDP's July 2010 Municipal Growth Element comments. Below are two recommendations to consider.

- A map illustrating the annexation area(s), its zoning, residential development capacity and future land use.

Town Reply:

Map 2 of the Town's MGE is the Land Use Map. It illustrates in purple our annexation areas. It indicates the Town's desired land use designation and zoning. Development capacity and its impacts are discussed in the narrative of the document.

- As referenced on page 10, Article III, Section C, Map 2 New Market Proposed Land Use was not included with this Supplement. Please include if necessary.

Town Reply:

As a matter of clarification, Map 2 of this Supplement is the Linganore Feeder Pattern. The New Market Proposed Land Use Map 2 referred to in this comment (and the one above) is Map 2 in the original MGE adopted November 17, 2010. The Town was informed in March 2011 that MDP did not have the New Market Proposed Land Use Map. The Town emailed the map to Mrs. Jenny King, Principal Planner MDP, on March 17<sup>th</sup> 2011. The Town did not submit materials from previous plans and amendments as the Town thought MDP already had them as evidenced by the email.

MDP Comment:

It remains that the Plan still conflates the concept of "build out", which has no set time period, with the amount of growth expected in the Plan's horizon year.

Town Reply:

As you can see from the reply above, Smith Cline plays an important role in school concurrency. In order not to underestimate the impact of growth and population on public facilities, the Town took the conservative approach of matching residential build out with the Plan's (MGE) horizon year (2030). The Town will justify its build out projection below.

MDP Comment:

Population Growth Projections

MDP Population Projections	Census 2000	Proj 2005	Proj 2010	Census 2010	Proj 2015	Proj 2020	Proj 2025	Proj 2030
Population	427	480	594	656	763	990	1,27	1,68
Population Per Household	2.69	2.68	2.67	2.84	2.64	2.62	2.60	2.60
Households	159	179	222	231	289	378	490	647
Vacancy Rate	6.5%	6.5%	6.5%	6.5%	6.5%	6.5%	6.5%	6.5%
Housing Units	170	192	238	247	309	404	524	629

As was reported in a previous memo on this subject, above are MDP's most recent population projections for the Town of New Market. MDP was very close on the 2010 number of households and housing units, as well as getting the vacancy rate right, but underestimated the average household size. The average household size for New Market rose to 2.84 in 2010 (higher than it was in 1980), and therefore its population count of 656 was greater than MDP's projection of 594.1 We recommend that the latest Census numbers be included in Table I as presented on page 8 of the Supplement.

Town's Reply:

2010 Census data provided below in this addenda.

MDP Comment:

A review of the population projections in the Master Plan Supplement finds that future population and household trends are still not clearly laid out. Revisions to the "Background and Trend Data" section of the Plan set forth on page 10 of the Supplement show that the Town is using MDP's household projection of 647 households within the city in 2030. Note that MDP's population projection does not take annexation or carrying capacity into account, but simply assumes that additional land will be annexed over time to accommodate population growth. Therefore, adding additional population based on the carrying capacity of annexed land would be incorrect as that factor has already been taken into account in the projection. It is possible that there could be more population growth in annexed areas if there are specific factors pushing that growth, but the Plan does not set forth any factors that could drive this population growth within the Plan's horizon.

Town's Reply:

The Town separated population by in-town capacity and by annexation precisely because the Town only has capacity for 365 units within its current boundaries by 2030. In the real world, land available for annexation does not come in perfect fit sizes. Further, given the litigious nature of annexations in New Market, the Town does not assume it will grow beyond its current town limits. Thus, it is reasonable to separate population projects accordingly.

**County APFO is the key factor that drives growth into the town. This explains the number of units that have come online over the past 6 years in contract to the previous 10 years. The Town does not have an APFO. This has allowed new residents to move into the town as opposed to the New Market Region part of the county.**

**Through a Joint Planning Agreement the Town desires to cooperate with the County by using our combined concurrency tools including County APFO to continue to drive growth around current development such as the town. This complies with Smart Growth principles and addresses the concerns expressed in the Plan Maryland draft as stated directly from the document.**

"PlanMaryland will not immediately resolve issues like adequate public facilities ordinances that discourage growth in suitable areas..." (*PlanMaryland*, April 28, 2011 draft, at page 1-5)

MDP Comment:

The Supplement and the Plan reference the build-out scenario (set forth in modified form in Table 4 on page 12 of the Supplement) as a population projection for 2030, which reports completely different population numbers than the MDP projection referred to earlier in the Plan. This is partly due to the build-out scenario's need to differentiate between development on land currently within Town boundaries and development occurring on future annexation lands. This difference is attributed to two factors: (1) a different household population number used by the Town (2.65 persons per household vs. 2.60 used by MDP and Frederick County); and (2) an assumed 925 new dwelling units expected to be constructed between now and 2030 on the Smith/Cline lands marked for annexation by the Town. The Plan states that the MDP population projection exceeds available land within the Town by 103 acres, but then implies that the total capacity of the Smith/Cline lands will be built out by 2030. It should be noted that a build-out analysis is not a population projection, as build-out represents the maximum potential carrying capacity of the land, while projections represent expected in population growth based on historic trends and overall countywide growth.

Town's Reply:

**While extrapolating historic trends may be one methodology of projecting population, the Town does not subscribe that it is the only measure. As mentioned above, government regulation, such as APFO, play a major role. This is clearly evident in the Town's ability to absorb the recently annexed and developed properties at Royal Oaks, Brinkley Manor and the Orchard. Other factors are:**

- 1. Life Style Choices**
- 2. Employment Opportunities (BRAC)**
- 3. Available Housing Types**
- 4. Transportation Corridors**
- 5. Joint Planning**

MDP Comment:

Both the Plan and the Supplement conflate build-out and projection for the Smith/Cline annexation area.

Town Reply:

**Expanding upon population projections, Smith Cline build out and the capacity of land available for development, one should study the population trends illustrated in updated Table 1 below. Clearly the region as grown at rates that are many times that of the town. This is attributable to the fact that until 2004 when the first connection as defined in the New Market WSAA was made, the town had, in real terms, no land ready for development in recent years. Since that time the Town has gained 137 new homes. That number has been constrained by limited capacity until July, 2009 with the 3<sup>rd</sup> Amendment to the WSAA was executed releasing the remaining capacity allocated for the Town's**

three subdivisions. Given current permits issued and contract data from each of the towns three builders, the Town expects to gain 32 to 46 new homes in 2011.

Examining the 2010 Frederick County Comprehensive Plan Residential Needs and Development Capacity Analysis, June 2010, indicates their plan does not provide sufficient supply of land to meet projected demand by 2030 (pg. 11). Specifically, it falls 4,350 units short of anticipated need. The plan uses Future Growth Areas to make up 3,900 of the shortfall. Future Growth Areas are defined (pg. 9) in the analysis as land that “would be appropriate for development but in a time frame generally beyond 20 years.” Thus these units, by definition, fall outside the 2030 horizon year.

More significantly for New Market is the fact that of the 10,000 dwelling units in the pipeline 30% are pending APFO. Linganore (New Market Region) accounts for 55% or 1,650 of those units (pg. 10). The Plan provides an additional 2,274 Planned Dwelling Units for the New Market Region. Of those units 973 are located in Linganore. The analysis is silent of the numbers of planned units that would not pass APFO. It should be noted that both NMES and ODES serve Linganore. As illustrated above, both of these schools are projected to be at 119% and 118% capacity respectively.

The New Market Region is at an inflection point. The 871 units in the Linganore area constitute a legacy issue that leads to the projected overcrowded conditions at NMES and ODES. Simultaneously, APFO, as identified above, will prevent demand from being met. These properties will be effectively eliminated from the housing supply as government regulation (APFO) places them into a state of what could be considered a building moratorium. This, along with historic trends related to population growth/housing demand pressure gradient explained below and current town growth experience provides evidence that the Town’s Annexation Area designated for residential growth will fill the voids in supply of land available to meet projected demand in the New Market Region.

As APFO stops building, it also locks in the over crowded conditions at NMES and ODES. As pointed out above, without the pupil yield generated by Smith Cline, the County will not only fail to receive state funding for a new elementary school for the New Market Region, but it will fail to obtain the impact fees that back the general obligation bonds that go towards school construction as well.

This presents a joint planning opportunity. The County may use its APFO moratoria device to drive growth to Smith Cline. The Town and County uses its respective growth staging mechanisms such as municipal annexation agreements, DRRA’s and ultimately the County’s willingness to extend water and sewer services subsequent to the Town providing an acceptable annexation plan supported by impact studies as outlined in the MGE and this Supplement. This complies with Smart Growth principles (please go back to relevant discussions of Smith Cline in the MGE and this Supplement) and addresses the concerns expressed in the Plan Maryland draft as stated directly from the document.

"PlanMaryland will not immediately resolve issues like adequate public facilities ordinances that discourage growth in suitable areas..." (PlanMaryland, April 28, 2011 draft, at page 1-5)

**The Town has demonstrated through this and previous processes that by studying back ground trends and data and growth impacts, it has reasonably identified needs, financing and growth staging mechanisms as well as methods of implementation.**

MDP Comment:

The Plan should be adjusted to reflect 2010 Census data for current population, household, housing unit, and household population figures. More importantly, the expected housing unit and population growth on the Smith/Cline land area between now and 2030 should be projected, and the total capacity for development on the Smith/Cline land area should not be treated as a population projection.

**Town's Reply:**

**Updated Table 1 using 2010 Census data provided below.**

**Table 1. Population Change**

Year	Town of New Market		New Market Region		Frederick County	
	Number	%Change	Number	%Change	Number	%Change
1940	360	22%	2653	15%	57312	5%
1950	301	-16%	2,759	4%	62,287	9%
1960	358	19%	3,596	30%	71,930	15%
1970	339	-5%	6,834	90%	84,927	18%
1980	306	-10%	9,857	44%	114,792	35%
1990	328	7%	15,855	49%	150,208	31%
2000	427	30%	29,107	84%	195,277	30%
2005	480	12%	34,160	17%	228,100	17%
2010	656	36%			233,385	2.3%

Source: US 2010 Census, Comments on the Town of New Market Draft Municipal Growth Element, August 11, 2010.

**The Town uses the New Market Region population data (see reply above) in order to demonstrate the housing demand pressure gradient attributable to difference in land available for development in the county (New Market Region) compared to the town until 2005.**

**MDP Comment:**

**Transportation**

It is appreciated that the Town provided additional information on the potential traffic impacts of the proposed development and the parkway between Boyers Mill Rd. and MD 75. The traffic impact and other infrastructure adequacy issues should be evaluated as part of the joint master plan development process between the Town and the County to ensure the future expansion and development near the Town will achieve both the Town and the County's growth visions. In addition, it may be helpful for the Town to include related state agencies early on in the process for coordinating and addressing transportation, water/sewer, and other infrastructure impact issues as they would affect state facilities and relate to state funding programs and smart growth policies.

**Town's Reply:**

**As the parkway may require an SHA access permit, the Town will work cooperatively with the State and County on the process. This may include addition traffic studies as indicated in Art. III Section 2 C. Impact Studies of this Supplement. The Town is not requesting State or County financing of the parkway. It would be paid by the developer.**

**MDP Comment:**

**Water Resources**

As noted in MDP's comments on the 2010 New Market MGE, the MGE also should include nonresidential water and sewer demand at build-out (demand of the Town's growth areas based on fulfillment of maximum zoning capacity), specifically, from the mixed commercial and industrial growth areas (Delaplaine and Ganley). The Supplement does not provide this information."



Overall, Given the significant difference between the Town MGE forecast of water and sewer demand at build-out and the amount of water and sewer allocation available (and projected to be available) for the Town from the County's water and sewer systems (as indicated in the New Market WRE and MGE), the vision of the New Market MGE might not be realized. As noted in MDP's comments on the 2010 New Market WRE, if the County is the only planned source for water and sewer for the Town, the Town's WRE should include a statement that all future development will be contingent upon securing water and sewer allocations from the County. The New Market MGE supplement also should include this statement.

**Town Reply (Provided by DUSWM):**

**Water and Sewer Service Purveyor**

The Frederick County Division of Utilities and Solid Waste Management (DUSWM) is sole purveyor of water and sewer services within the Town of New Market and the surrounding area. The DUSWM uses recognized methods and industry standards to estimate water and sewer capacity requirements for both undeveloped and developed land. Estimates for undeveloped land are based on the *Frederick County Design Manual for Water and Sewer Facilities* (Appendix C, Page C-125), adopted by the Frederick County Board of County Commissioners in 1994.

Using these Design Guidelines, the County has estimated the non residential water and sewer demand for the two growth areas (Delaplaine and Ganley) specifically referenced in the MDP comments dated July 19, 2011. These estimated average demands are shown in Table 1 below.

Table 1					
Property	Tax Map	Parcel	Acreages	Estimated High Flow	Estimated Low Flow
			Ac.	gpd	gpd
Delaplaine Property	79	217	134.53	1,008,975	100,898
Ganley (Turnpike Farm Limited)	80	9	55.69	417,675	41,768

Note: The flow factor is 7500gpd/acre for general ORI (high) and 750gpd/acre for warehouse (low) respectively.

Based on this analysis, the average water and sewer demand associated with these mixed commercial and industrial growth areas may range, from a low of 142,665 gallons per day (GPD) to a high of 1,426,650 GPD, depending on the actual development of the areas. It is important to note that the County uses these Design Guidelines for all of its water and sewer planning and that demands from developed property may end up being much lower depending on actual use.

As the sole provider of both water and sewer services to the Town of New Market, the County has the responsibility for planning, developing and operating the water and sewer infrastructure to serve properties within the County's service areas. Long term water and sewerage planning, for the Town, is contained within the County's *Water and Sewerage Plan*. Additionally, the Water Service Area Agreement (WSAA) executed between the County and Town of New Market in April 2003, which prohibits the Town from maintaining a subsidiary Water and Sewerage Plan.

**Frederick County Water Resource Element**

The Frederick County Water Resource Element (WRE), adopted in September 2010, provides detailed information on the County's water and sewer system capacity. Table 5 of the WRE, shows that the New Market Community Growth area is served by the County's New Design Road (Potomac River) water supply system, which has a current maximum day capacity of 25 MGD and has been planned (and constructed) so that it can be expanded from 25 MGD to 45 MGD.

The County's wastewater treatment capacity is shown in Table 7 of the WRE. This information reflects current, approximate design capacities and current demand of the individual county systems.

The County's largest WWTP will ultimately serve the Town of New Market. The Ballenger-McKinney WWTP, which is currently under a major ENR upgrade and expansion to 15 MGD, will provide service to most of the County's sewer system customers, including those within the Town of New Market.

MDE has approved a maximum-average daily design flow of 18 MGD for the Ballenger-McKinney WWTP, which is based on a maximum nutrient loading allocation of 219,280 lbs/year total nitrogen (TN) and 16,446 lbs/year total phosphorus (TP). This wastewater treatment plant is permitted to discharge an average of flow of 15 MGD to the Monocacy River; discharges in excess of 15 MGD will be diverted to the Potomac River through the County's Potomac River outfall system, which is already in place.

Expansions beyond 18 MGD will require additional nutrient allocation. However, the WRE anticipates that 20-year (2010 to 2030) capacity utilization at Ballenger-McKinney WWTP will be between 12 to 18 MGD.

Moreover, with the completion of the Bush Creek Interceptor, the County will be decommissioning the New Market WWTP, along with the Monrovia WWTP and the Landfill Leachate treatment plant, and diverting its flow to the Ballenger-McKinney WWTP. Since the smaller New Market WWTP is not required to meet BNR or ENR treatment requirements, this diversion reduces both nutrient and conventional effluent loading to Bush Creek and eventually the Chesapeake Bay.

Table 8 indicates the projected residential development potential in the Community Growth Areas with their particular wastewater system. Due to the complex and dynamic nature of wastewater treatment, figures in Table 7 do not constitute a complete evaluation of actual capacity (and demand) for use in allocating capacity for specific properties.

#### New Market Water Service Area Agreement

The Town of New Market executed a Water Service Area Agreement (WSAA) with Frederick County in April 2003, which among other things designed Frederick County as the Sole Provider of water service within the boundaries of Town. The WSAA recognized the fact that the boundaries of the Town may, from time to time, be modified through annexation and the Town and the County will amend the agreement or enter into a new agreement for water service to additional newly annexed areas. Although the WSAA allocated and reserved an initial 500 taps (capacity) to the Town, the agreement anticipated the provision (by the County) of additional capacity once the initial 500 taps are purchased. Since the Town has not yet purchased the initial 500 taps, amending the WSAA to increase the number of taps has not been necessary.

In summary the Town of New Market is not responsible for the planning and development of the County's water and sewer infrastructure that serves the Town of New Market and the surrounding area. This responsibility lies with Frederick County DUSWM. Therefore the MDP should refer to Frederick County's WRE when evaluating available water and sewer capacity for the Town of New Market. The County's WRE clearly identifies that existing and planned capacity in the County water supply and wastewater treatment system can serve the Town of New Market.

#### Other Relevant Information

The planning of major water and sewer system infrastructure for the County is based on a theoretical ultimate build-out of the County, which may change from time to time as the Comprehensive Plan changes occur. Therefore the planning, design, and construction of such infrastructure are typically completed in such a way to prevent the obsolescence of major components of the infrastructure (i.e. intakes, treatment plants, water transmission systems, sewer interceptors and pump stations). In some cases reasonable assumptions have to be made regarding new or expanded service areas and how they may be served.

Since the planning horizon for major water and sewer infrastructure can exceed 30 years it is not uncommon for the County to occasionally study the provision of these essential services to areas outside of current service areas. Since the permitting horizon for wastewater discharge permits and water appropriation and use permits is less than the comprehensive plan or the life expectancy of major water and sewer infrastructure, County staff and their engineers rely on reasonable growth assumptions over a longer period of time for planning the expansion of this critical infrastructure. Therefore such planning and the resultant infrastructure design and construction may not directly correlate to other comprehensive planning horizons.

#### **Frederick County WRE**

[http://www.frederickcountymd.gov/documents/Planning/Comprehensive%20Plans/Background%20Reports/WRE%20Adopted\\_Sept2010.PDF](http://www.frederickcountymd.gov/documents/Planning/Comprehensive%20Plans/Background%20Reports/WRE%20Adopted_Sept2010.PDF)

#### **MDOT Comment:**

1. Generally, in order for MDOT to provide a thorough review of plans such as this one, it is requested that we be afforded a 60 day review period. This enables us to coordinate with our various modal administrations (e.g. SHA, MTA) in order to provide comprehensive, multi-modal comments.

#### **Town's Reply:**

**MDP distributes the Plan once received. MDP received the Supplement on May 20, 2011. MDP's due date to the Town was July, 20, 2011; sixty days after receiving it.**

#### **MDOT Comment:**

2. Last year, MDP provided comments to the Town of New Market regarding the town's Municipal Growth Element. MDOT provided comments to MDP to include in your correspondence to the Town. In the Town's response to MDP's comments, they suggest that the peak hour traffic volume of 3,050 vehicles per hour may present an unsafe condition for motorists, pedestrians, or cyclists, but does not include background data identifying failing existing or future traffic operating conditions.

#### **Town's Reply:**

**The New Market Regional Transportation Study provides the data that yields 3,050 vehicles per hour. As that volume represents a v/c ratio of 1.14, it not only exceeds capacity but represents a future failing condition.**

#### **MDOT Comment:**

3. The plan suggests a bypass of New Market is needed to draw trips that would otherwise use MD 144 (Main Street). For a project to be considered for inclusion in the Department's Consolidated Transportation Program, it must to be identified as a priority in the Frederick County transportation priority letter.

#### **Town's Reply:**

**The Town is not requesting State or County funds. It would be developer funded.**

4. Additionally, a New Market Bypass is not identified in our State Highway Administration's (SHA) long-range planning document, the Highway Needs Inventory (HNI), nor Frederick County's Comprehensive Plan (April 2010).

**Town Reply:**

**The Town will request the parkway be reconsidered as part of the update to County's New Market Community Plan in relation to a Joint Planning Agreement.**

**MDOT Comment:**

5. Currently, the reconstruction of the I-70 and Meadow Road interchange is identified as Frederick County's number one priority for a new project planning start, and is also included in the HNI. Once constructed, this project will provide full access between I-70 and MD 144/01d National Pike.

**Town Reply:**

**The Town is aware of the project.**

**MDOT Comment:**

6. Please note that SHA has developed 2030 Build peak hour volumes (see attachment) for the I-70/Meadow Road interchange to evaluate operations in SYNCHRO (traffic modeling program) along MD 144 between Monocacy Road and MD 75. Based upon this analysis, it seems that the addition of the eastbound ramp onto the I-70/Meadow Road interchange will significantly improve the through traffic volumes. However, analysis has not been conducted to evaluate and compare the impacts of a future bypass (as shown in the town's master plan), a widening of MD 144 or any other improvements.

**Town Reply:**

**The Town makes the inference that SHA's analysis does not include future impacts of the bypass, widening of MD 144 or other improvements. Further, the Town would want to identify where along MD 144 the ADT's were taken in relation to Main St. as it is not feasible to widen Main St. The New Market Regional Transportation Study includes many mitigations including the I-70/Meadow Rd. interchange. Main St. would still experience 3,050 VPH at peak hour with the interchange completed.**

**MDOT Comment:**

7. It is important to understand exactly where any active and inactive freight railroad rights of way (generally + or - 66' wide) are located to ensure that future zoning plans protect the use of freight (or passenger) rail.

- Active Rail: In more localities industrial zoning is losing out to mixed-use areas for revenue attraction or other reasons. But with population, trucks, traffic congestion, and freight demand all increasing over time, rail freight transportation can become more attractive from a cost-effective and environmental perspective, thus providing public benefits. It is important to locate and map the lines and properties/facilities that are served by rail for future county planning purposes. The process may also assist planners in identifying future locations that should be protected or marketed for rail purposes.

- Inactive Rail: Those areas that have had inactive rail for long periods of time may still be considered "inactive," and not officially "abandoned" as defined by the FRA. Although unlikely, the rail may become active again should a business model for a customer/railroad recognize rail as the most effective means of transportation. Therefore, it is important to understand which rail is currently active (and protect those areas accordingly) and which is inactive vs. abandoned.

**Town Reply:**

**The Town acknowledges and duly notes the comment.**